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Attorneys for Plaintiff  
LEVI STRAUSS & CO.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & CO.,

Plaintiff,

v.

T&Y FASHION, INC.,

Defendant.

Case No. C 06 7320 MEJ

**STIPULATION TO FINAL  
JUDGMENT AND PERMANENT  
INJUNCTION**

Plaintiff Levi Strauss & Co. and Defendant T&Y Fashion, Inc. hereby stipulate to the facts and conclusions contained in the attached Final Judgment and Permanent Injunction and consent to its entry by the court.

IT IS SO STIPULATED AND CONSENTED.

DATED: August 6, 2007

TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Gia L. Cincone  
Gia L. Cincone  
Attorneys for Plaintiff Levi Strauss & Co.

DATED: August 6, 2007

WORLD ESQUIRE LAW FIRM, LLP

By: /s/ Jen-Feng Lee  
Jen-Feng Lee  
Attorneys for Defendant T&Y Fashion, Inc.

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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 LEVI STRAUSS & CO.,

12 Plaintiff,

13 v.

14 T&Y FASHION, INC.,

15 Defendant.  
16

Case No. C 06 7320 MEJ

**FINAL JUDGMENT UPON  
CONSENT AND PERMANENT  
INJUNCTION**

17  
18 Plaintiff Levi Strauss & Co. ("LS&CO.") has filed a Complaint alleging trademark  
19 infringement, dilution, and unfair competition under federal and California law against defendant  
20 T&Y Fashion, Inc. ("T&Y"). LS&CO. alleges that T&Y has manufactured, promoted, and sold  
21 clothing, including denim jeans, that violates LS&CO.'s rights in its registered Tab Device Trademark  
22 (the "Tab trademark").

23 The Court now enters final judgment based upon the following undisputed facts. Each party  
24 has waived the right to appeal from this final judgment and each party will bear its own fees and costs  
25 in connection with this action.

26 **I. STIPULATED FACTS AND CONCLUSIONS**

27 A. This Court has subject matter jurisdiction over this lawsuit and personal jurisdiction  
28 over T&Y. Venue is proper in this Court.

1 B. LS&CO. owns the Tab trademark, which is a valid and famous trademark of LS&CO.  
2 and which is registered as follows for use on a variety of casual apparel:

3 a. Registration No. 356,701 (first used as early as September 1, 1936; registered  
4 May 10, 1938);

5 b. Registration No. 516,561 (first used as early as September 1, 1936; registered  
6 October 18, 1949);

7 c. Registration No. 577,490 (first used as early as September 1, 1936; registered  
8 July 21, 1953);

9 d. Registration No. 774,625 (first used as early as May 22, 1963; registered  
10 August 4, 1964);

11 e. Registration No. 775,412 (first used as early as October 9, 1957; registered  
12 August 18, 1964); and

13 f. Registration No. 1,157,769 (first used as early as September 1, 1936; registered  
14 June 16, 1961).

15 C. T&Y has manufactured, distributed, and sold jeans that display the pocket tab  
16 illustrated in Exhibit A (the "T&Y tab").

## 17 **II. ORDER**

18 It is hereby ordered and adjudged as follows:

19 1. T&Y shall pay the sum of \$5,000.00 to LS&CO. within ten days of entry of this  
20 Judgment.

21 2. Commencing as of the "So Ordered" date of this Final Judgment and Permanent  
22 Injunction, T&Y, its principals, agents, employees, officers, directors, servants, successors, and  
23 assigns, and all persons acting in concert or participating with it or under its control who receive actual  
24 notice of this Order, are hereby permanently enjoined and restrained, directly or indirectly, from  
25 doing, authorizing or procuring any persons to do any of the following:

26 a. Manufacturing, licensing, selling, offering for sale, distributing, importing,  
27 exporting, advertising, promoting, or displaying any products that display any tab in the form and  
28 location illustrated in Exhibit A, or any other tab that is substantially similar to the T&Y tab or to the

1 Tab trademark;

2 b. Manufacturing, licensing, selling, offering for sale, distributing, importing,  
3 exporting, advertising, promoting, or displaying any products that display any tab that may reasonably  
4 be believed to be as similar or more similar to the Tab trademark than the T&Y tab;

5 c. Violating the rights of Levi Strauss & Co. in and to its Tab trademark; and

6 d. Assisting, aiding or abetting any person or entity engaging in or performing any  
7 act prohibited by this paragraph.

8 3. In the event that T&Y violates the terms of this Judgment by making, selling or  
9 offering for sale garments displaying the T&Y tab illustrated in Exhibit A, it shall pay to LS&CO.  
10 liquidated damages of (a) 20% of the sales revenue received by T&Y at any time on account of such  
11 garments, or (b) \$10,000, whichever is greater, and judgment shall be entered against T&Y for that  
12 amount. T&Y specifically acknowledges that this is a reasonable estimate of the damages to which  
13 LS&CO. would be entitled by virtue of T&Y's sales of such garments and the costs LS&CO. has  
14 incurred in enforcing its rights. Such liquidated damages shall be in addition to any further damages  
15 or equitable relief to which LS&CO. may be entitled with respect to future sales by T&Y that violate  
16 LS&CO.'s trademark rights, but any payments made by T&Y pursuant to this paragraph shall be  
17 deemed a credit against any potential award of damages under this paragraph.

18 4. This Court shall retain jurisdiction for the purpose of making any further orders  
19 necessary or proper for the construction or modification of this Judgment, the enforcement thereof,  
20 and/or the punishment for any violations thereof. If LS&CO. commences an action for enforcement  
21 of this Judgment, the prevailing party shall be awarded reasonable attorneys' fees and costs from the  
22 other party.

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1           5.       For the purpose of any future proceeding to enforce the terms of this Judgment, service  
2 by mail upon a party or their counsel of record at their last known address shall be deemed adequate  
3 notice for each party.

4  
5 IT IS SO ORDERED AND ADJUDGED.

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7 DATED: August 7, 2007  
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10 Hon. Maria Elena James  
11 United States Magistrate Judge

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## **EXHIBIT A**



Exhibit A